

Calaveras Local Agency Formation Commission

Regular Meeting Agenda

Monday – January 28, 2019 – 6:00 p.m.

**Calaveras County Board of Supervisors Chambers
County Administrative Center
San Andreas**

6:00 PM Regular LAFCo Meeting Items:

1. Call to Order/Pledge of Allegiance/Roll Call

Commissioners

Anita Paque, Chair, Public Member

Linda Hermann, City Member

Amanda Folendorf, City Member

Gary Tofanelli, County Member

Merita Callaway, County Member

Tony Tyrrell, Vice-Chair Special District Member

John Lavaroni, Special District Member

Roark Weber, Public Member Alt.

Dennis Mills, County Member Alt.

Joseph Oliveira, City Member Alt.

Jon Dashner, Special Dist. Member Alt.

Staff:

John Benoit, Executive Officer

Nancy Mees, LAFCO Clerk

Michael Colantuono, LAFCO Counsel

2. Approval of Agenda (Deletions/Additions)

3. *Consider minutes of Nov 19, 2018*

a. Approve November 19, 2018 LAFCo Minutes

4. Consent Agenda:

a. Review and Authorize Claims for November and December 2018

WORKSHOPS

5. **Workshop and Introduction of the Service Review and Sphere of Influence Update for the Murphy's Sanitary District**
 - a. *Review Service Review and Sphere Update report, discuss and provide comments to staff and set public hearing for the March 18, 2019*
6. **Review Service Review requirements and conduct a goal setting workshop for Calaveras LAFCO with regards to Calaveras LAFCO's role in orderly growth in Calaveras County and discuss the need and methods of achieving reorganization of various services.**
7. **Hold Discussion regarding the State Controller's Notification of Inactive CSA's in Calaveras County.**
8. **Authorize staff to attend the Calafco Annual Staff Workshop April 10-13, 2019 in San Jose, Ca.**
 - a. *Authorize staff to attend the annual Calafco Staff Workshop.*
9. **Executive Officer' s report**
 - a. *700 Forms due to LAFCo - April 1, 2019*
 - b. *Outreach to the public and agencies regarding LAFCo*
 - c. *Valley Springs Public Utility District MSR and SOI*
 - d. *Calaveras Public Utility District MSR and SOI*
 - e. *San Andreas Sanitary District MSR and SOI*
 - f. *Union Public Utility District MSR and SOI*
 - g. *2019-2020 LAFCo Budget process*

10. Commissioners Reports

This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCO, and legislative matters

11. Public Comment

This is the time set aside for citizens to address the Commission on any item of interest to the public that is within the subject matter jurisdiction of the Commission. For items that were on the agenda, public comment was heard when the item is discussed. If your comments concern an item that is noted as a public hearing, please address the Commission after the public hearing is opened for public testimony. The Chair reserves the right to limit each speaker to three (3) minutes. Please understand that by law, the Commission cannot make decisions on matters not on the agenda.

12. NEXT LAFCO MEETING IS March 18, 2019 - 6:00 PM San Andreas

The Commission may take action upon any item listed on the agenda. Unless otherwise noted, items may be taken up at any time during the meeting.

Any member appointed on behalf of local government shall represent the interests of the public as a whole and not solely the interest of the appointing authority Government Code Section 56325.1

Public Comment

Members of the public may address the Commission on items not appearing on the agenda, as well as any item that does appear on the agenda, subject to the following restrictions:

- Items not appearing on the agenda must be of interest to the public and within the Commission's subject matter jurisdiction.
- No action shall be taken on items not appearing on the agenda unless otherwise authorized by Government Code Section 54954.2 (known as the Brown Act, or California Open Meeting Law).

Public Hearings

Members of the public may address the Commission on any item appearing on the agenda as a Public Hearing. The Commission may limit any person's input to a specified time. Written statements may be submitted in lieu of or to supplement oral statements made during a public hearing.

Agenda Materials

Materials related to an item on this agenda will be available on the Calaveras LAFCO website as noted below to the extent practicable and subject to staff's ability to post the documents prior to the meeting.

Accessibility

The location of this meeting is wheelchair-accessible.

Disclosure & Disqualification Requirements

Any person or group of persons acting in concert who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Calaveras LAFCO must comply with the disclosure requirements of the Political Reform Act of 1974 applicable to local initiative measures to be submitted to the electorate. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals; they may be reviewed at Government Code §§56700.1 and 81000 *et seq.* Additional information about the requirements pertaining to local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660. A LAFCO Commissioner must disqualify herself or himself from voting on an application involving an "entitlement for use" (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application, or an agency (such as an attorney, engineer, or planning consultant) representing the applicant or an interested party. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding.

Contact LAFCO Staff at (209) 754-6511

LAFCO Webpage: www.calaveraslafco.org

Email LAFCO at: j.benoit4@icloud.com

Calaveras Local Agency Formation Commission

Regular Meeting Minutes – Monday, November 19, 2018

1. **Call to Order/Pledge of Allegiance/Roll Call** – Order was called by Chair Paque at 6:00 p.m., on Monday, November 19, 2018, in the Calaveras County Board of Supervisors Chambers, County Administrative Center, San Andreas, California.

Commissioners Present

Anita Paque, Chair, Public Member
Tony Tyrrell, Vice Chair, Special Dist. Mem.
Amanda Folendorf, City Member
Linda Hermann, City Member
John Lavaroni, Special Dist. Member
Gary Tofanelli, County Member.
Michael Oliveira, County Member
Jon Dashner, Special Dist. Mem. Alt.

Commissioners Absent

Roark Weber, Public Member Alt.
Dennis Mills, County Member Alt.
Joseph Oliveira, City Member Alt.

Staff Present

John Benoit, Executive Officer
Nancy Mees, LAFCO Clerk

Others Present

2. **Approval of Agenda:**

MOTION by Commissioner Tofanelli to approve the Agenda, second by Commissioner Folendorf. Motion passed 7 yes, 0 no, 0 absent, 0 abstention.

3. **Consider Minutes from the September 17, 2018, LAFCo meeting:**

MOTION by Commissioner Tyrrell to approve the Minutes as presented, second by Commissioner Hermann. Motion passed 7 yes, 0 no, 0 absent, 0 abstention.

4. **Consent Agenda:**

a. Review and Authorize Claims for September and October 2018.

MOTION by Commissioner Tyrrell to approve the Consent Agenda and Claims for September and October 2018 as presented, second by Commissioner Lavaroni. Motion passed 7 yes, 0 no, 0 absent, 0 abstention.

5. Sphere of Influence Amendment for the Union Public Utility District – Padou and Metzger:

Receive Executive Officer's report, conduct Public Hearing and consider Resolution 2018-0005 approving a Sphere of Influence Amendment to include 83.07 acres more or less to the Union Public Utility District, consisting of 79.5 acres (Padou) and 3.57 acres (Metzger).

Executive Officer Benoit reported that originally Metzger had requested annexation to Union Public Utility District (UPUD), and Padou later requested to be included also. Although this sphere amendment includes both parcels, LAFCo has only received an annexation application from Padou. The Metzger annexation will be done at a later time. The annexations are for domestic water service, with only one connection each. The Metzger annexation is the result of a lot line adjustment.

The only comment received worth mentioning was by County Planning. They said the lots are not in the Vallecito/Murphys planning area. Mr. Benoit stated that, although that is true, a lot of UPUD is not in that planning area, and since the Padou property will never become a subdivision, this is not an issue.

Compared to the size of UPUD's area, these annexations are very small. Both annexations were initiated through a resolution by UPUD. Chair Paque asked about the properties surrounding this sphere addition. Mr. Benoit responded that the surrounding parcels are zoned rural agricultural, one is a large parcel of BLM land, and there are a few smaller parcels. The parcels being annexed are contiguous to UPUD boundaries.

Chair Paque opened the Public Hearing. There was no public comment, so the Public Hearing was closed.

MOTION by Commissioner Oliveira to approve Resolution 2018-0005 amending the Sphere of Influence for Union Public Utility District, second by Commissioner Tyrrell. Motion passed 7 yes, 0 no, 0 absent, 0 abstention.

6. Padou Annexation to the Union Public Utility District – Padou property consisting of 79.5 acres:

Receive Executive Officer's report and conduct Public Hearing, and consider LAFCo Resolution 2018-0006 approving the Padou annexation of 79.5 acres to the Union Public Utility District subject to terms and conditions.

Executive Officer Benoit reported that there is an agreement between Padou and UPUD regarding annexation and water service. Mr. Padou will need to update the maps and pay a fee to the Board of Equalization if the resolution is approved.

Chair Paque opened the Public Hearing. There was no public comment, so the Public Hearing was closed.

MOTION by Commissioner Lavaroni to approve Resolution 2018-0006 annexing 79.5 acres to Union Public Utility District, second by Commissioner Tyrrell. Motion passed 7 yes, 0 no, 0 absent, 0 abstention.

7. Hold General Discussion regarding LAFCo's Jurisdiction and Districts subject to LAFCo's review – "definition of a district" and "change of organization":

Executive Officer Benoit stated that, rather than holding a LAFCo 101, he will be reviewing LAFCo information in pieces over a number of regular meetings. Government Code §56021 tells what LAFCo does. Section (m) talks about changes in services provided by special districts. In addition, LAFCo oversees out-of-area service agreements. Section 56036 defines what a special district is, and Section 56036.6 states what types of districts are not within LAFCo jurisdiction. Section 56037.2 discusses "divestiture of power" and Mr. Benoit mentioned the divestiture of sewer and water service from Wallace several years ago as an example of this. Mr. Benoit believes we will see more of these divestitures in the future.

LAFCo also does sphere reviews and updates, as well as Municipal Service Reviews. Mr. Benoit stated that MSRs are very useful, and the County often refers to LAFCo's MSRs. He will review sphere changes and MSRs at a later meeting.

Commissioner Tofanelli stated that he appreciates these informational sessions because he has numerous people who ask him about what LAFCo is and does.

8. Hold discussion regarding the CALAFCo Annual Conference – October 2-5, 2018:

Commissioner Tyrrell reported that this year's conference was one of the best he's attended in that it was better organized and covered better topics.

Executive Officer Benoit pointed out that Chair Paque, as the conference chair, was the star of the conference. He added that there were sessions covering LAFCo's role regarding natural disasters and MSRs, and that the conference is always a good opportunity for commissioners to meet each other as well as the legislators who sometimes attend. Mr. Benoit believes a major topic at next year's conference may be Health Care Districts. Although Calaveras's Health Care District is smoothly run and useful, there are many Health Care Districts that should no longer exist. He believes another big topic may be streamlining protest proceedings. In addition, with a new governor coming in, legislation may be treated differently.

Chair Paque said possible legislation is already being considered by the legislators, and CALAFCo will have to monitor new bills as they appear. She added that the conference had a session on mutual aid agreements between fire districts, consolidating dispatching, and other ways that fire response can be improved in California.

Commissioner Dashner spoke from the audience, also praising Chair Paque for her performance during the conference. He reported that Calaveras County had held a wine tasting event in the lobby of the hotel, and it was favorably received. He has already received ten notes of thanks from other counties, and believes it did a lot to introduce those counties to Calaveras. He added that Amador County proposed they have a taste-off at the next annual conference.

9. Executive Officer's report:

San Andreas Sanitary District MSR and SOI; Murphys Sanitary District MSR and SOI; Valley Springs Public Utility District MSR and SOI; and Calaveras Public Utility District MSR and SOI

Executive Officer Benoit reported that all of these have been sent to the district managers for review.

Union Public Utility District MSR and SOI

Executive Officer Benoit reported he still has not received any information from them yet, and that they do not respond to his emails.

10. Meeting Schedule for Calendar Year 2019:

MOTION by Commissioner Tofanelli to approve the Meeting Schedule for Calendar Year 2019 as presented, second by Commissioner Tyrrell. Motion passed 7 yes, 0 no, 0 absent, 0 abstention.

11. Commissioners Reports:

Commissioner Oliveira stated that he has enjoyed being on the LAFCo commission and will miss being on the board.

12. Public Comment:

There was no public comment.

13. Adjournment:

Meeting was adjourned at 6:48 p.m. The next regular meeting will be Monday, January 21, 2018, at 6:00 p.m., in San Andreas. This is not the third Monday, but is being moved because January 21 is Martin Luther King, Jr., Day.

Minutes submitted by Nancy Mees.

DATED:

APPROVED:

Anita Paque, Chair, or Tony Tyrrell, Vice
Chair, Calaveras Local Agency Formation

CALAVERAS LAFCO
LAFCO CLAIM AUTHORIZATION FORM

for

November and December 2018

Authorize payment of the following claims:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
FY 2018-2019 Expenses:		
Nov 19, 2018	Commission meeting stipends	\$ 400.00
Dec1, 2018	Staff Svcs and Expenses Nov 18	\$ 4,826.70
Jan 1, 2019	Staff Svcs and Expenses Dec 18	\$ 3,414.36

TOTAL: \$ 8,338.97

DATED: January 28, 2019

APPROVED: January 28, 2019

Anita Paque, Chair or Tony Tyrrell, Vice-Chair
Calaveras Local Agency Formation Commission

Attest:

John Benoit
Executive Officer

1/20/19

Item	Account Number	Comm Stipends	Insurance	Communications	Memberships	GenOfficeExp	Postage	copies	MSR	SOI	Ex. OFF. Svcs	City Fin Chrgs
		62001	62050	62051	62052	62053	62054	62055	62057	62058	62059	62060
	Total Budgeted	\$ 3,300.00	\$ 1,721.00	\$ 800.00	\$ 925.00	\$ 350.00	\$ 500.00	\$ 1,500.00	\$ 25,000.00	\$ 20,000.00	\$ 42,500.00	\$ 3,600.00
Calafco dues 18-19												
SDRMA Insurance 18-19			\$ (1,198.00)		\$ (925.00)							
reimb JD one night conf. lodging												
Calafco Conf. reg TT, JD and AP		(400.00)										
Commission Stipends 7.16.18				(44.36)			(7.97)	(20.60)	(1,050.00)		(3,956.25)	
JB claim staff Svcs July 18 2018-0068												
Revenue for Metzger and Padou				(43.27)			(1.00)	(10.00)	(1,650.00)		(2,062.50)	
JB claim MSR and Svcs Aug 2018		(400.00)										
Sept 17, 2018 Payroll												
JB Claim MSR and Services Sept 2018				(43.80)			(10.26)	(50.50)	(3,000.00)		(3,225.00)	
JB Claim MSR and SOI Svcs Oct 2018				(64.96)				(11.00)	(3,000.00)		(3,000.00)	
Pioneer Review Padou Metzger SOI												
Conf Reimb Anita Paque												
Conf Reimb - Jon Dashner												
Conf Reimb - Tony Tyrrell												
CSDA 2019 Memb renewal		(400.00)			\$ (500.00)							
Payroll November 19, 2018 Calav Mtg												
REIMBURSEMENT Paque Conf regis 2018												
JB claim MSR and staff Svcs Nov 2018				(39.38)			(11.04)	(84.40)	(1,075.00)		(3,500.00)	
JB Claim MSR and Services Dec 2018				(39.38)				(15.00)	(1,000.00)		(1,962.50)	
TOTAL EXPENDED		\$ (1,200.00)	\$ (1,198.00)	\$ (275.15)	\$ (1,425.00)	\$ 350.00	\$ (30.27)	\$ (191.50)	\$ (10,775.00)	\$ 20,000.00	\$ (17,706.25)	\$ -
TOTAL REMAINING		\$ 2,100.00	\$ 523.00	\$ 524.85	\$ (500.00)	\$	\$ 469.73	\$ 1,308.50	\$ 14,225.00	\$	\$ 24,793.75	\$ 3,600.00



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BETTY T. YEE
California State Controller

November 6, 2018

John Benoit
P.O. Box 2694
Granite Bay, CA, 95746

SUBJECT: Amended Notification of Inactive Special Districts in County

Dear Mr. Benoit:

This is a follow-up to the letter we sent you dated October 31, 2018 (see enclosed). The State Controller's Office (SCO) discovered that some special districts were not included in the original notice sent to you on October 31, 2018 due to a coding error in our database. The enclosed document provides an amended list of the special districts within your jurisdiction that are inactive, based on financial data in each special district's fiscal year 2016-17 Financial Transactions Report. The complete list of California inactive special districts may be found here: https://www.sco.ca.gov/ard_local_rep_freq_requested.html.

Pursuant to Government Code (GC) 56879, within 90 days of receiving this notice, the Commission is required to initiate dissolution of inactive districts by resolution, unless the Commission determines that a district does not meet the criteria set forth in GC 56042. The Commission is required to notify the SCO if it determines that a district does not meet the criteria for dissolution in GC 56042. Once the dissolution process is complete, please notify SCO using the contact information below.

Please accept our apologies for this error. If you have questions or need to notify us of a district's status, please contact Derek Miller by phone at (916) 322-5579, or email at dmiller@sco.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip Pangilinan", is written over the printed name.

PHILLIP PANGILINAN

Manager

Local Government Reporting Section

Enclosures: October 31, 2018 letter
2016-17 County Inactive Districts List (amended)



BETTY T. YEE
California State Controller

October 31, 2018

John Benoit
Calaveras Local Agency Formation Commission
P.O. Box 2694
Granite Bay, CA 95746

SUBJECT: Notification of Inactive Special Districts in County.

Dear Mr. Benoit:

Chapter 334, Statutes of 2017 (Senate Bill 448) added various provisions to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 regarding special districts that are inactive. SB 448 requires the State Controller's Office (SCO) to create a list of inactive special districts based on information in the special district's Financial Transactions Reports (FTR), publish the list of inactive special districts on its website annually, and notify a local agency formation commission in the county or counties in which the inactive special district is located.

Pursuant to Government Code (GC) section 56042, an "inactive special district" meets all of the following:

- (a) The special district is as defined in Section 56036.
- (b) The special district has had no financial transactions in the previous fiscal year.
- (c) The special district has no assets and liabilities.
- (d) The special district has no outstanding debts, judgments, litigation, contracts, liens, or claims.

Within 90 days of receiving this notice, the commission is required to initiate dissolution of inactive special district(s), unless you determine that the district(s) does not meet the criteria set forth in GC section 56042. The commission shall also notify the SCO if you determine that the district(s) does not meet the criteria set forth in GC section 56042.

The enclosed document lists the special districts within your jurisdiction that are inactive, based on financial data in the special district's fiscal year 2016-17 FTR. The complete list of inactive special districts is found here: https://www.sco.ca.gov/ard_local_rep_freq_requested.html

John Benoit
October 31, 2018
Page 2

If you have any questions or need assistance, please contact Derek Miller by telephone at (916) 322-5579, or by email at dmiller@sco.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip Pangilinan", written over a horizontal line.

PHILLIP PANGILINAN
Manager
Local Government Reporting Section

Enclosure: 2016-17 County Inactive Districts List

State Controller's Office
2016-17 Inactive Districts for Calaveras County

County Name	District Name	District Type	Email Address	Street Address 1	Street Address 2	P.O. Box	City	Zip
Calaveras	County Service Area No. 5 (Calaveras)	Dependent		Auditor-Controller	891 Mountain Ranch Road		San Andreas	95249-9713
Calaveras	County Service Area No. 6 (Calaveras)	Dependent		Auditor-Controller	891 Mountain Ranch Road		San Andreas	95249-9713
Calaveras	County Service Area No. 7 (Calaveras)	Dependent		Auditor-Controller	891 Mountain Ranch Road		San Andreas	95249-9713
Calaveras	County Service Area No. 10 (Calaveras)	Dependent		Auditor-Controller	891 Mountain Ranch Road		San Andreas	95249-9713
Calaveras	County Service Area No. 11 (Calaveras)	Dependent		Auditor-Controller	891 Mountain Ranch Road		San Andreas	95249-9713

Note: Email Address belongs to the Financial Transactions Report preparer; in some cases this may be an outside consultant.

Fee schedule

(h) Pursuant to Section 56383, the commission may establish a schedule of fees for the costs of carrying out this section.

Proponents pay expenses

(i) All proper expenses incurred in connection with removal of territory from a city's sphere of influence pursuant to this section shall be paid by the proponents.

Service reviews

56430. (a) In order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission. The commission shall include in the area designated for service review the county, the region, the subregion, or any other geographic area as is appropriate for an analysis of the service or services to be reviewed, and shall prepare a written statement of its determinations with respect to each of the following:

Written determinations**Disadvantaged unincorporated communities within or contiguous to sphere**

(1) Growth and population projections for the affected area.

(2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.

Needs or deficiencies

(3) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.

(4) Financial ability of agencies to provide services.

(5) Status of, and opportunities for, shared facilities.

(6) Accountability for community service needs, including governmental structure and operational efficiencies.

(7) Any other matter related to effective or efficient service delivery, as required by commission policy.

Comprehensive service review

(b) In conducting a service review, the commission shall comprehensively review all of the agencies that provide the identified service or services within the designated geographic area. The commission may assess various alternatives for improving efficiency and affordability of infrastructure and service delivery within and contiguous to the sphere of influence, including, but not limited to, the consolidation of governmental agencies.

Alternatives**Compliance with California Safe Drinking Water Act**

(c) In conducting a service review, the commission may include a review of whether the agencies under review, including any public water system as defined in Section 116275, are in compliance with the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116270) of Part 12 of Division 104 of the Health and Safety Code). A public water system may satisfy any request for information as to compliance with that act by submission of the